

## DECLARATION

SOLE/JOINT INVENTOR  
ORIGINAL/SUBSTITUTE/CIP

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

# **METHOD AND APPARATUS FOR PASSIVE PCI THROTTLING IN A REMOTE SERVER MANAGEMENT CONTROLLER**

as described in the specification ☒ attached or ☐ of patent Application Serial No. \_\_\_\_\_  
filed \_\_\_\_\_ and amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application, and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and


- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application(s) having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s) listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States Application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR <b>Robert L. Noonan</b>	INVENTOR'S SIGNATURE 	DATE <b>01/02/02</b>
RESIDENCE <b>4107 Wyndwood, Crystal Lake, Illinois 60014</b>		CITIZENSHIP <b>U.S.A.</b>
POST OFFICE ADDRESS <b>SAME AS RESIDENCE</b>		
FULL NAME OF SOLE OR FIRST INVENTOR <b>Theodore F. Emerson</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE <b>14327 Ravenhurst Lane, Houston, TX 77070</b>		CITIZENSHIP <b>U.S.A.</b>
POST OFFICE ADDRESS <b>SAME AS RESIDENCE</b>		

**DECLARATION****SOLE/JOINT INVENTOR  
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MANAGEMENT CONTROLLER**

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- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or  
(2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:

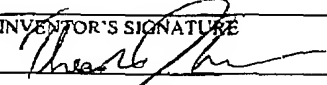
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FULL NAME OF SOLE OR FIRST INVENTOR <b>Robert L. Noonan</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE <b>4107 Wyndwood, Crystal Lake, Illinois 60014</b>		CITIZENSHIP <b>U.S.A.</b>
POST OFFICE ADDRESS <b>SAME AS RESIDENCE</b>		
FULL NAME OF SOLE OR FIRST INVENTOR <b>Theodore F. Emerson</b>	INVENTOR'S SIGNATURE 	DATE <b>1/3/2002</b>
RESIDENCE <b>14327 Ravenhurst Lane, Houston, TX 77070</b>		CITIZENSHIP <b>U.S.A.</b>
POST OFFICE ADDRESS <b>SAME AS RESIDENCE</b>		

*Applicant/Patentee:*

*Filed:* Herewith

*Serial No.:* Unassigned

*For:* METHOD AND APPARATUS FOR  
PASSIVE PCI THROTTLING IN A  
REMOTE SERVER MANAGEMENT  
CONTROLLER

Under the provisions of 37 C.F.R. § 3.71, the undersigned assignee of record of the entire interest in the above-identified patent/patent application by virtue of an assignment recorded (check as applicable):

X	Concurrently Herewith
	Date Recorded
	Reel _____ Frame _____

elects to conduct the prosecution of the application/maintenance of the patent to the exclusion of the inventor(s). The undersigned hereby declares that he has reviewed the above-referenced assignment and hereby declares that, to the best of his knowledge, title is in the Assignee, and further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true. The assignee hereby revokes any previous powers of attorney and appoints the following to prosecute this application/maintain this patent and transact all business in the Patent and Trademark Office connected therewith:

Michael G. Fletcher	32,777
Patrick S. Yoder	37,479
Robert A. Van Someren	36,038
Ralph A. Graham	47,607
Robert A. Manware	48,758
Tait R. Swanson	48,226
Barry D. Blount	35,069

Irene Kosturakis	33,724
Diane Drozenski	39,177
Joseph Arrambide	39,589
Sarah T. Harris	35,891
Richard P. Lange	27,296
Theodore S. Park	26,971
Laura Turley	35,850

Please direct all communications to: Fletcher, Yoder & Van Someren, P.O. Box 692289, Houston, Texas 77269-2289, (281) 970-4545, to the attention of: **Michael G. Fletcher**

COMPAQ INFORMATION TECHNOLOGIES GROUP, L.P.

Date:

BY:

NAME: Marcella Barboza  
TITLE: Legal Assistant- Patent Acquisition

Marcella Barboza  
Legal Assistant- Patent Acquisition  
Authorized To Sign This Document On Behalf Of  
COMPAQ INFORMATION TECHNOLOGIES GROUP, L.P.  
Pursuant To Board Of Directors Resolution  
Date July 28, 1989